



IAP7 Rec'd PCT/PTO 30 JAN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Sumio IIJIMA et al. : **Mail Stop: ACCOUNTING DIVISION  
REFUND BRANCH**  
Serial No. 10/521,575 :  
Filed January 18, 2005 : Attorney Docket No. 2005\_0065A  
**Confirmation No. 4026**

STRUCTURES SELECTING METHOD FOR CARBON NANOTUBES BY LIGHT  
IRRADIATION :

[Corresponding to PCT/JP03/04182  
Filed January 6, 2003]

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**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund of \$130.00 charged to Deposit Account No. 23-0975 on August 26, 2005. The corresponding fee code indicates the charge is for a late declaration. The charge is incorrect.

Applicants' attorney received a Notification of Missing Requirements dated July 14, 2005 which indicated the declaration had not yet been submitted and that a \$130.00 surcharge would be required. A reply was submitted on July 20, 2005, to contend that the executed Declaration had been timely submitted to the PTO on March 14, 2005. The fee was not paid at that time, since it was filed within 30 months of the priority date of January 6, 2003. The 30 month priority date should have expired on July 6, 2005. Copies of the PCT transmittal form, executed declaration, and date-stamped postcard receipt, were previously enclosed with our reply for evidence of timely submission. They are again enclosed, with the hope that this time, they will be considered and our request will be granted.

CC: [unclear]

Kindly credit the refund of \$130.00 to the deposit account of undersigned, no. 23-0975.  
If there are any questions regarding this matter, please contact Kara Reade, Accounting Assistant,  
at (202) 721-8226.

Respectfully submitted,

Sumio IIJIMA et al.

By Matthew M. Jacob  
Matthew M. Jacob  
Registration No. 25,154  
Attorney for Applicants

MJ/ker

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K Street, N.W., Suite 800  
Washington, D.C. 20006-1021  
Facsimile (202) 721-8250  
January 30, 2006

2005\_0065A



COPY

ATTY DOCKET #: 2005\_0065A  
OUR REF: 2005\_0065A/MJ/00653  
Applicant: Sumio IJIMA et al.  
Serial No.: 10/521,575  
Title: STRUCTURES SELECTING METHOD FOR CARBON NANOTUBES BY LIGHT IRRADIATION

Due Date:

Filing Date: January 18, 2005

Receipt of the following papers is acknowledged:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371 (National stage application of PCT/JP03/04182)
2. Attachments: (G) Executed Declaration and Power of Attorney; (H) Executed Assignment and Recordation Cover Sheet PTO-1595.
3. Check in the amount of \$40.00

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Date March 14, 2005

Attorney MJ/kes

[Check No. 67165]



TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371**COPY**ATTORNEY DOCKET NUMBER  
2005\_0065AU.S. APPLICATION NO.  
(if known, see 37 CFR 1.5)  
10/521,575International Application No.  
PCT/JP03/04182International Filing Date  
April 1, 2003Priority Date Claimed  
January 6, 2003

## Title of Invention

STRUCTURES SELECTING METHOD FOR CARBON NANOTUBES BY LIGHT IRRADIATION

## Applicant(s) For DO/EO/US

Sumio IIJIMA; Masako YUDASAKA; and Minfang ZHANG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3.  This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. §371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19.
9.  An executed oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). **ATTACHMENT G**
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

## Items 11. to 14. below concern other document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

**ATTACHMENT H**

13.  A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  Other items or information:

<b>U.S. APPLICATION NO.</b> 10/521,575	<b>INTERNATIONAL APPLICATION NO.</b> PCT/JP03/04182	<b>ATTORNEY'S DOCKET NO.</b> 2005_0065A																
15. [X] The following fees are submitted		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 2px;">Basic National Stage Fee .....</td> <td style="width: 40%; text-align: right; padding: 2px;">\$300.00</td> </tr> <tr> <td>National Stage Search Fee .....</td> <td style="text-align: right; padding: 2px;">\$500.00</td> </tr> <tr> <td>National Stage Examination Fee .....</td> <td style="text-align: right; padding: 2px;">\$200.00</td> </tr> <tr> <td>Specification/drawings in excess of 100 pages (units of 50 x \$250.00) = .....</td> <td style="text-align: right; padding: 2px;">\$</td> </tr> </table>	Basic National Stage Fee .....	\$300.00	National Stage Search Fee .....	\$500.00	National Stage Examination Fee .....	\$200.00	Specification/drawings in excess of 100 pages (units of 50 x \$250.00) = .....	\$								
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Specification/drawings in excess of 100 pages (units of 50 x \$250.00) = .....	\$																	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$																
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Claims</th> <th style="width: 25%;">Number Filed</th> <th style="width: 25%;">Number Extra</th> <th style="width: 25%;">Rate</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>-20 =</td> <td></td> <td>X \$50.00</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td></td> <td>X \$200.00</td> </tr> <tr> <td colspan="2">Multiple dependent claim(s) (if applicable)</td> <td></td> <td>+ \$360.00</td> </tr> </tbody> </table>		Claims	Number Filed	Number Extra	Rate	Total Claims	-20 =		X \$50.00	Independent Claims	- 3 =		X \$200.00	Multiple dependent claim(s) (if applicable)			+ \$360.00	\$
Claims	Number Filed	Number Extra	Rate															
Total Claims	-20 =		X \$50.00															
Independent Claims	- 3 =		X \$200.00															
Multiple dependent claim(s) (if applicable)			+ \$360.00															
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$																
<input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.		\$																
<b>SUBTOTAL =</b>		\$																
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$																
<b>TOTAL NATIONAL FEE =</b>		\$																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$40.00																
<b>TOTAL FEES ENCLOSED =</b>		\$40.00																
		Amount to be refunded \$																
		Amount to be charged \$																
a. [X] A check in the amount of <u>\$40.00</u> to cover the above fees is enclosed. A duplicate copy of this form is enclosed. b. [ ] Please charge my Deposit Account No. 23-0975 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0975</u> .																		
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>																		
<b>19. CORRESPONDENCE ADDRESS</b>		By: <u>Matthew M. Jacob</u> Matthew M. Jacob, Registration No. 25,154  <b>WENDEROTH, LIND &amp; PONACK, L.L.P.</b> 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021 Phone:(202) 721-8200 Fax:(202) 721-8250  March 14, 2005																
[CHECK NO. _____] [2005_0065A]																		

# COPY

Rev. 1-10-03

Effective March 1998

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

( Original) ( Supplemental) ( Substitute) ( PCT) ( DESIGN)

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: STRUCTURES SELECTING METHOD FOR CARBON NANOTUBES BY LIGHT IRRADIATION

of which is described and claimed in:

- ( the attached specification, or  
( the specification in application Serial No. \_\_\_\_\_, filed January 18, 2005, and with amendments through \_\_\_\_\_  
or  
( the specification in International Application No. PCT/JP03/04182, filed April 1, 2003, and as amended on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	2003-000718	January 6, 2003	Yes

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Check, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; Michael S. Huppert, Reg. No. 40,268; and Jeffrey R. Filipek, Reg. No. 41,471, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from NISHIZAWA & ASSOCIATES as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

Direct Correspondence to:		Direct Telephone Calls to:		
CUSTOMER NO. 000513		WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021  Phone:(202) 721-8200 Fax:(202) 721-8250		
Full Name of First Inventor	FAMILY NAME IIJIMA	FIRST GIVEN NAME Sumio	SECOND GIVEN NAME	
Residence & Citizenship	CITY Aichi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
Post Office Address	ADDRESS 7-404, Koyo-en, Yatomi-cho, Mizuho-ku, Nagoya-shi, Aichi, Japan	STATE OR COUNTRY	ZIP CODE	
Full Name of Second Inventor	FAMILY NAME YUDASAKA	FIRST GIVEN NAME Masako	SECOND GIVEN NAME	
Residence & Citizenship	CITY Ibaraki	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
Post Office Address	ADDRESS 8-3, Tokodai 2-chome, Tsukuba-shi, Ibaraki, Japan	STATE OR COUNTRY	ZIP CODE	
Full Name of Third Inventor	FAMILY NAME ZHANG	FIRST GIVEN NAME Minfang	SECOND GIVEN NAME	
Residence & Citizenship	CITY Ibaraki	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
Post Office Address	ADDRESS 4774-1-2-308, Yatabe, Tsukuba-shi, Ibaraki, Japan	STATE OR COUNTRY	ZIP CODE	
Full Name of Fourth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
Full Name of Fifth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE

Full Name of Sixth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor James O'Leary Date March 3, 2005  
 Sumio IJJIMA

2nd Inventor Mark Teller Date March 3, 2005  
 Masako YUDASAKA

3rd Inventor Minfang Zhang Date March 3, 2005  
 Minfang ZHANG

4th Inventor \_\_\_\_\_ Date \_\_\_\_\_

5th Inventor \_\_\_\_\_ Date \_\_\_\_\_

6th Inventor \_\_\_\_\_ Date \_\_\_\_\_

The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date January 18, 2005

Applicant Reference Number 02-F-069US/NT Atty Docket No. 2005 0065A

Title of Invention STRUCTURES SELECTING METHOD FOR CARBON NANOTUBES BY LIGHT IRRADIATION